

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1 and 3-15 are pending. In the present amendment, Claims 1, 3, 5, 8, 10, 11, 14, and 15 are currently amended and Claim 2 is canceled without prejudice or disclaimer. Support for the present amendment can be found in the original specification, for example, at page 3, lines 6-27, at page 6, lines 21-30, in Figures 1 and 2, and in original Claim 2. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 1-15 were rejected under 35 U.S.C. § 102(b) as anticipated by Bellinger (U.S. Publication No. 2001/0016795) or, in the alternative, under 35 U.S.C. § 103(a) as unpatentable over Bellinger in view of Katayama (U.S. Patent No. 5,479,349).

Turning now to the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a), Applicant respectfully requests reconsideration of these rejections and traverses these rejections, as discussed below.

The method for control of an automatic transmission recited in Claim 1 is hereby amended to clarify that the detecting a downhill-travel situation of the vehicle is done via an electronic unit when a slope on which the vehicle is traveling is greater than a predetermined threshold slope, a power demand of the engine is smaller than a predetermined power threshold, and braking via a brake pedal is absent. Additionally, when the electronic unit detects the downhill-travel situation, a longitudinal speed at the beginning of the downhill-travel situation is stored in a memory. Further, when the braking is applied via the brake pedal, the downhill-travel situation is not detected. Additionally, it is noted that the system for control of an automatic transmission of independent Claim 8 also recites that the electronic unit is configured to identify a downhill-travel situation of the vehicle.

Thus, independent Claims 1 and 8 clarify that it is the electronic unit which detects the downhill-travel situation based on the environment in which the vehicle is operating, and not as a result of a cruise control setting. It is respectfully submitted that the cited references do not disclose or suggest every feature recited in independent Claims 1 and 8.

Bellinger describes a system and method for controlling vehicle braking operations including a system 10 that is responsive to detection of a potential runaway vehicle condition to control engine brake unit 42, turbocharger boost pressure, service brakes 52, and/or shifting of a transmission 16.¹ Further, Bellinger describes a software algorithm 100 for controlling a downhill vehicle operation is executed by a control computer 12.² In an alternative embodiment, Bellinger describes that the control computer 12 is operable to determine a target speed requested by a driver via a cruise control unit 56.³

The Office Action, in the last paragraph on page 7 acknowledges that “Bellinger does not explicitly disclose the embodiment wherein if pressure is applied to the accelerator/brake pedal, the automatic algorithm is terminated.” Instead, in the second paragraph on page 8, the Office Action takes Official Notice and states that it is an inherent feature of vehicle cruise control that pressing the brake or accelerator pedal will cancel any automatic deceleration/acceleration control. As evidence, the Examiner cites Katayama.

However, it is respectfully submitted that neither Bellinger alone, or in combination with Katayama, discloses or suggests “detecting a downhill-travel situation of the vehicle via an electronic unit when a slope on which the vehicle is traveling is greater than a predetermined threshold slope, a power demand of the engine is smaller than a predetermined power threshold, and braking via a brake pedal is absent . . . wherein when the braking is

¹ See Bellinger, at paragraphs [0038] and [0039].

² See Bellinger, at paragraph [0042].

³ See Bellinger, at paragraph [0047].

applied via the brake pedal, the downhill-travel situation is not detected,” as recited in amended Claim 1.

Instead, as noted above, the Office Action only takes the position that vehicle cruise control 56 is turned off when a brake pedal is depressed. Claims 1 and 8 are amended to clarify that a downhill-travel situation is detected when a slope on which the vehicle is traveling is greater than a predetermined threshold slope, a power demand of the engine is smaller than a predetermined power threshold, and braking via a brake pedal is absent, and thus not when the cruise control is set.

Further, Bellinger does not disclose or suggest that control of the engine braking via control computer 12 is turned off when the cruise control unit 56 is turned off. A person of ordinary skill in the art reading Bellinger would understand that, when the control computer 12 detects a vehicle runaway condition, the control computer 12 would not turn off the engine braking or turbocharger boost pressure control. Such an operation would result in decreased braking efficiency, which is exactly the opposite of what the entire teaching of Bellinger attempts to accomplish. Thus, even assuming that the control computer 12 of Bellinger detects a downhill-travel situation of the vehicle in accordance with the parameters outlined in independent Claims 1 and 8, Bellinger is silent with regards to turning off the control computer 12 when a brake pedal is depressed.

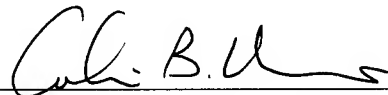
Additionally, as the cruise control 56 is a separate and different element from the control computer 12, Applicant respectfully traverses any assertion that turning off the control computer 12 is inherent in Bellinger or capable of instant and unquestionable demonstration such that taking Official Notice is proper. Further, as Katayama only discusses turning off a cruise control unit when a brake pedal is depressed, Katayama does not cure the above-noted deficiencies of Bellinger.

Therefore, it is respectfully submitted that Bellinger alone, or in combination with Katayama, does not disclose or suggest every feature recited in independent Claims 1 and 8. Thus, it is respectfully submitted that Claims 1 and 8, and all claims dependent thereon, patentably define over Bellinger and Bellinger in view of Katayama. Accordingly, it is respectfully requested that the rejections of Claims 1-15 be withdrawn.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

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